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REMARKS/ARGUMENTS

1. In the above referenced Office Action, the Examiner rejected claims 1-40 under 35 USC § 103 (a) as being unpatentable over Haartsen (U.S. Patent No. 5,491,837) in view of Chuang (U.S. Patent No. 6,501,785).

Claims 1, 3-16, and 18-40 are currently pending in this application. Claims 1, 10, 16, 25, 33 and 35 have been amended. No new matter has been added. Claims 2 and 17 have been cancelled. The rejections above have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1, 3-16, and 18-40.

2. As discussed above, claims 1 was rejected as obvious based on the combination of Haartsen & Chuang. Claim 1 as been amended to include the following recital from cancelled claim 2:

transmitting a holding packet on the current wireless channel, wherein the holding packet addresses an invalid station; and

measuring the interference on the current wireless channel during a transmit period allocated to the invalid station;

The examiner relied upon the disclosure of Haartsen in disclosing this subject matter of claim 2. However, section of Haarsten cited by the Examiner makes no note of transmitting a holding packet that addresses an invalid station, or of measuring the interference on the current

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wireless channel during a transmit period allocated to the invalid station. For these reasons, claim 1 and claims 2-9 that depend therefrom are patentably distinct from the prior art.

3. Claim 16 was also rejected based on the combination of Haartsen and Chang. Claim 16 has been amended to include the subject matter of cancelled claim 17. The applicant believes that the reasons that distinguish claim 1 over the present rejection are applicable in distinguishing claims 16-24 over the same prior art.

4. As discussed above, claim 10 was rejected as obvious based on the combination of Haartsen & Chuang. Claim 1 as been amended to include the following recital:

providing, by the access point, a selection packet to the at least one affiliated station via the current wireless channel, wherein the selection packet indicates that the access point will change to the desired wireless channel at a particular future time and includes the particular future time.

As acknowledged by the Examiner, Haartsen does not disclose providing a selection packet. Chuang does not teach a selection packet that includes a particular future time to change to the desired wireless channel.

For the foregoing reasons, the applicant believes that claim 10 and claims 11-15 that depend therefrom are patentably distinct from the prior art.

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4. Claims 25, 33 and 35 were also rejected based on the combination of Haartsen and Chang. Claims 25, 33 and 35 have been amended in a similar fashion to claim 10. The applicant believes that the reasons that distinguish claim 10 over the present rejection are applicable in distinguishing claims 25-32, and 35-39 over the same prior art.

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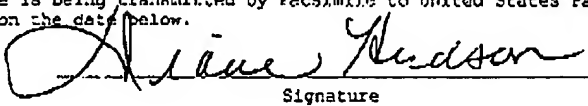
For the foregoing reasons, the applicant believes that claims 1, 2-16, and 18-40 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

This response is therefore timely made. The Commissioner is authorized to charge any additional fees that are required or credit any overpayment to Deposit Account No. 50-2126 (Docket BP 1898).

RESPECTFULLY SUBMITTED,

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